

SERIAL NO. 10/673,526

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	TOKKONEN	Examiner:	Parathasarathy, P.
Serial No.:	10/673,526	Group Art Unit:	2136
Filed:	September 29, 2003	Docket No.:	NKO.014.US
		Old Docket No.:	KOLS.051PA
Title:	METHOD AND ARRANGEMENT FOR CONTROLLING LOCKING FUNCTION		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 10, 2008.

By: Tracey M. Dotter
Tracey M. Dotter

Petition Under 37 C.F.R. § 1.181 (MPEP § 711.03(c))
To Withdraw Holding Of Abandonment

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests withdrawal of the holding of abandonment for patent application Serial No. 10/673,526. No fees should be required or otherwise incurred in view of the following evidence and facts which support this request. However, to the extent that fees are necessary for entry of this Petition, authorization is given to charge Deposit Account No. 50-3581 (NKO.014.US).

This Petition is timely presented as the Petition is being filed within two months of becoming aware that the application had been characterized as abandoned.

A Notice of Abandonment (hereinafter "Notice") dated April 3, 2008 was received by Applicant's representative and a copy of which is attached as Exhibit A. The Notice alleges that a reply to the Final Office Action dated September 27, 2007 was not received by the U.S. Patent and Trademark Office. The attorney of record has reviewed the Notice and respectfully contends that the Notice was issued in error.

A Response to the Final Office Action (hereinafter "Response") was timely filed with the U.S. Patent and Trademark Office by U.S. Mail on March 27, 2008, with an executed certificate

of mailing under 37 CFR § 1.8. A true and accurate copy of the original documents as mailed on February 18, 2008 is enclosed as Exhibit B.

Applicant contends the date indicated in the certificate of mailing, March 27, 2008, should be used rather than the date of receipt because all the requirements of 37 CFR § 1.8(a) were met. In compliance with 37 C.F.R. § 1.8(b), Applicant is submitting a statement from the person who signed the certificate of mailing under 37 CFR 1.8, Rennae Johnson, attesting that the Response was filed on March 27, 2008.

In addition, Applicant received a postcard receipt from the U.S. Patent and Trademark Office including a stamp acknowledging receipt of the Response on April 1, 2008. A copy of the received postcard is attached as Exhibit C. Receipt of the Response by the U.S. Patent and Trademark Office is further evidenced by the inclusion and availability of the Response, including all of the documents mailed on March 27, 2008, in the Patent Application Information Retrieval (PAIR) system.

Lastly, Applicant's representative's deposit account with the U.S. Patent and Trademark Office (Dep. Acct. No. 50-3581) was charged on April 2, 2008 for all the necessary fees associated with the filing of the Response; therefore, the attached copy of the deposit account statement (Exhibit D) provides further support that the Response was received by the U.S. Patent and Trademark Office. Portions of the deposit account statement that do not involve the patent matter at issue have been redacted.

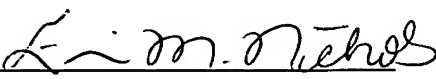
In view of the above, Applicant respectfully requests that the holding of abandonment for patent application Serial Number 10/673,526 be withdrawn and that the attached Response to the Final Office Action be considered as timely filed on March 27, 2008.

If the Patent Office believes it necessary or helpful, the Patent Office is invited to contact the undersigned attorney at the number below to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: April 10, 2008

By: 
Erin M. Nichols
Reg. No.: 57,125



STATEMENT BY RENNAE JOHNSON

UNDER 37 C.F.R. § 1.8(b)(3)

I, Rennae Johnson, certify that I personally signed the certificate of mailing under 37 C.F.R. § 1.8(a) for the Response to the Final Office Action at issue, and accordingly had personal knowledge of the expectation that the Response to the Final Office Action was deposited in the United States Postal Service as first class mail on March 27, 2008. I duly attest to the true and accurate copy of the Response to the Final Office Action enclosed with this present communication (Exhibit B), on behalf of patent application Serial No. 10/673,526.


Dated: April 10, 2008 Signature: 
Rennae Johnson

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,526	09/29/2003	Timo Tokkonen	KOLS.051PA <i>NKO.014.45</i>	1836
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425			EXAMINER PARTHASARATHY, PRAMILA	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 04/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



Notice of Abandonment

Application No.

10/673,526

Applicant(s)

TOKKONEN, TIMO

Examiner

PRAMILA PARTHASARATHY

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 September 2007.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

No reply was filed for final office action that was mailed on 9/27/2007.

/Pramila Parthasarathy/
Examiner, Art Unit 2136
March 28, 2008

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT B

REQUEST for CONTINUED EXAMINATION (RCE) TRANSMITTAL

Applicant: TOKKONEN Examiner: Parthasarathy, P.
Serial No.: 10/673,526 Group Art Unit: 2136
Filed: September 29, 2003 Docket No.: NKO.014.US
Title: METHOD AND ARRANGEMENT FOR CONTROLLING LOCKING
FUNCTION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 27, 2008.

By: 
Renae Johnson

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

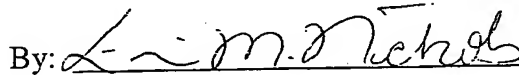
1. This is a request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified patent application.
2. Enclosed please find:
 - ☒ Amendment and Response to Final Office Action (10 pages)
 - ☒ Petition for Extension of Time (1 page)
 - ☒ Terminal Disclaimer (2 pages)
 - ☒ 1 Return Postcard
3. Fees
 - ☒ Please charge Deposit Account No. 50-3581 (NKO.014.US) \$810.00 for payment of the RCE filing fee, \$150.00 for the additional claim fees, \$1050.00 for the Extension of Time fee, and \$130.00 for the Terminal Disclaimer. Authorization is also given to charge/credit Deposit Account No. 50-3581 (NKO.014.US) for any deficiencies/overpayments.

FOR:	# Claims after Amendment	Number Extra	Highest # previously paid for	Present Extra	Rate	Additional Claims Fees Due
TOTAL CLAIMS	25	(-) MINUS	22	= 3	x \$50.00	\$ 150.00
INDEP. CLAIMS	3	(-) MINUS	3	= 0	x \$210.00	\$ 000.00
TOTAL DUE:						\$ 150.00

Entry of this Request for Continued Examination and a favorable reply are earnestly requested.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700 (tel.) · 952.854.2722 (fax)

By: 
Name: Erin M. Nichols
Reg. No.: 57,125.

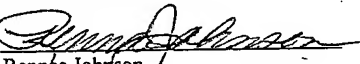
IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: TOKKONEN Examiner: Parthasarathy, P.
Serial No.: 10/673,526 Art Unit: 2136

Filing Date: September 29, 2003 Docket No.: NKO.014.US

Title: METHOD AND ARRANGEMENT FOR CONTROLLING LOCKING
FUNCTION

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By: 
Rennae Johnson

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby submits the enclosed terminal disclaimer under 37 C.F.R. § 1.321(c) in connection with the above-identified patent application. Authorization is given to charge Deposit Account No. 50-3581 (NKO.014.US) in the amount of \$130.00 for the necessary fees for this filing.

If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney at the number below to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: March 27, 2008

By: 

Steven R. Funk
Reg. No. 37,830

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

NKO.014.US

In re Application of: Tokkonen

Application No.: 10/673,526

Filed: September 29, 2003

For: Method and Arrangement for Controlling Locking Function

The owner*, Nokia Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,292,230 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

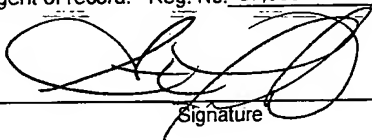
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,830



March 27, 2008

Date

Steven R. Funk
Typed or printed name

952.854.2700
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

SERIAL NO. 10/673,526

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	TOKKONEN	Examiner:	Parthasarathy, P.
Serial No.:	10/673,526	Group Art Unit:	2136
Filed:	September 29, 2003	Docket No.:	NKO.014.US
Title:	METHOD AND ARRANGEMENT FOR CONTROLLING LOCKING FUNCTION		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 27, 2008.

By:

Rennae Johnson

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. §1.136, it is respectfully requested that a three-month extension of time be granted in which to file the attached OFFICE ACTION RESPONSE with REQUEST FOR CONTINUED EXAMINATION (RCE). Please charge Deposit Account No. 50-3581 (NKO.014.US) in the amount of **\$1050.00** for payment of the extension fee. If necessitated, authority is given to charge/credit Deposit Account No. 50-3581 (NKO.014.US) any additional fees/overages.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

By:



Name: Erin M. Nichols

Reg. No.: 57,125

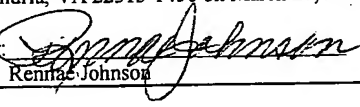
SERIAL NO. 10/673,526

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	TOKKONEN	Examiner:	Parthasarathy, P.
Serial No.:	10/673,526	Group Art Unit:	2136
Filed:	September 29, 2003	Docket No.:	NKO.014.US
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By: 
Renita Johnson

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.111

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed September 27, 2007, setting a three (3) month shortened statutory period for response, Applicant submits the present amendment and response under 37 C.F.R. § 1.111. The present response is accompanied by a Request for Continued Examination (RCE).

Claims 1-22 remain pending in the application. Claims 11, 21 and 22 have been amended. Claims 23-25 have been added, and no claims have been canceled. Applicant respectfully requests reconsideration and allowance of all pending claims.

AMENDMENTS TO THE CLAIMS are reflected in the listing of claims which begins on page 2 of this paper.

REMARKS/ARGUMENTS begin on page 7.

AMENDMENTS TO THE CLAIMS:

Applicant respectfully requests that this listing of claims replace the prior versions, and listings, of claims in the application.

1. (Previously presented) A method of controlling a locking function in a locking arrangement, the method comprising:
 - creating a database from predetermined objects;
 - determining at least one user-specific inter-object internal order of the predetermined objects in the database;
 - detecting a control command for starting the control of the locking function;
 - displaying a random subset of the predetermined objects on the display of the locking arrangement once the control command is detected;
 - detecting the selection order of the objects; and
 - changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order by a predetermined parameter.
2. (Previously presented) A method as claimed in claim 1, the method further comprising displaying the random subset of objects in a random order on the display.
3. (Previously presented) A method as claimed in claim 1, the method further comprising identifying the determined user-specific inter-object internal order based on the detected control command.
4. (Previously presented) A method as claimed in claim 1, wherein the objects are one or more letters, digits, figures, images, songs or a combination thereof including two or more objects.
5. (Previously presented) A method as claimed in claim 1, the method further comprising changing the determined user-specific inter-object internal order when the detected object

selection order is within the predetermined parameter of the determined user-specific inter-object internal order.

6. (Original) A method as claimed in claim 5, the method further comprising using learning algorithms and/or intelligent networks in changing the determined user-specific inter-object internal order.

7. (Previously presented) A method as claimed in claim 1, the method further comprising entering an arrangement lock state when a predetermined number of such successive object selection orders are detected, wherein the object selection orders are not within the predetermined parameter of the determined user-specific inter-object internal order.

8. (Original) A method as claimed in claim 1, the method further comprising establishing a short-range wireless connection and detecting the control command for starting the control of the locking function via the short-range wireless connection.

9. (Original) A method as claimed in claim 1, the method further comprising establishing a short-range wireless connection and detecting the object selection order via the short-range wireless connection.

10. (Original) A method as claimed in claim 1, the method further comprising determining the user-specific inter-object internal order in one or more user profiles of the arrangement.

11. (Currently amended) An arrangement ~~for controlling a locking function, the~~
arrangement comprising:

means for creating a database from predetermined objects;

means for determining at least one user-specific inter-object internal order of the predetermined objects in the database;

means for detecting a control command for starting the control of the locking function;

~~means a display~~ for displaying a random subset of the predetermined objects ~~on the display of the locking arrangement~~ once the control command is detected;

~~means a user interface~~ for detecting the selection order of the objects; and

means for changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order by a predetermined parameter.

12. (Original) An arrangement as claimed in claim 11, wherein the arrangement comprises a transceiver unit configured to establish a communications connection, transmit a control command for starting the control of the locking function and transmit the object selection order.

13. (Original) An arrangement as claimed in claim 12, wherein the communications connection is a short-range wireless connection.

14. (Previously presented) An arrangement as claimed in claim 11, wherein the arrangement comprises means for displaying the random subset of objects in a random order on the display.

15. (Previously presented) An arrangement as claimed in claim 11, wherein the arrangement comprises means for identifying the determined user-specific inter-object internal order based on the detected control command.

16. (Previously presented) An arrangement as claimed in claim 11, wherein the arrangement comprises means for changing the inter-object internal order when the object selection order is within a predetermined parameter of the determined user-specific inter-object internal order.

17. (Previously presented) An arrangement as claimed in claim 16, wherein the arrangement comprises means for using learning algorithms and/or intelligent networks in changing the determined user-specific inter-object internal order.

18. (Previously presented) An arrangement as claimed in claim 11, wherein the arrangement comprises means for entering an arrangement lock state when a predetermined number of such successive object selection orders are detected, wherein the object selection orders are not within the predetermined parameter of the determined user-specific inter-object internal order.

19. (Original) An arrangement as claimed in claim 11, wherein the arrangement comprises means for establishing a short-range wireless connection and detecting the control command as the start for controlling the locking function via the short-range wireless connection.

20. (Original) An arrangement as claimed in claim 11, wherein the arrangement comprises means for determining the user-specific inter-object internal order in one or more user profiles.

21. (Currently amended) An arrangement as claimed in claim 11, wherein the arrangement ~~for controlling a locking function~~ is in a portable electronic device.

22. (Currently amended) An arrangement as claimed in claim 11, wherein the arrangement ~~for controlling a locking function~~ is in a door or gate.

23. (New) A method comprising:

- storing a database of predetermined objects in a first device;
- determining at least one user-specific inter-object internal order of the predetermined objects in the database;

detecting a control command by the first device for starting control of a locking function by detecting a signal from a second device;

in response to detecting the control command, transmitting a random subset of the predetermined objects to the second device;

displaying the transmitted random subset of predetermined objects on the display of the second device;

detecting a selection order of the objects;

transmitting the selection order and an identifier of the second device to the first device; and

changing the lock state when the detected object selection order differs from a determined user-specific inter-object internal order associated with the identifier by a predetermined parameter.

24. (New) The method of claim 23, wherein the identifier is a digital signature.

25. (New) The method as claimed in claim 23, wherein the first and second devices communicate via a short-range wireless connection.

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated September 27, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Although Applicant does not acquiesce to the assertion that the instant application is anticipated by, or that the limitations of the instant claims are contained in, copending application serial no. 10/665,869 (now U.S. Patent No. 7,292,230), the attached Terminal Disclaimer Under 37 C.F.R. § 1.321(c) is submitted to address the double patenting rejection. This submission is believed to overcome the double patenting rejection; therefore, Applicant requests that the double patenting rejection be withdrawn.

With respect to the 35 U.S.C. § 112, first paragraph, rejection, Applicant respectfully traverses. The rejection is based on the assertion that the Specification does not describe the use of a predetermined parameter such that a skilled artisan would be able to make and use the claimed invention. First, it is noted that the subject matter of a claim need not be described literally in the Specification (*i.e.*, using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement. MPEP § 2163.01. Therefore the absence of the term "predetermined parameter" in the disclosure is not an appropriate basis for the rejection. Second, paragraphs [0016] and [0017] discuss user-specific inter-object internal orders, and paragraph [0018] further indicates that the detected object selection order does not necessarily have to be exactly the same as (can differ from) the determined user-specific inter-object internal order in order for a lock state to be activated or deactivated. Paragraph [0018] further indicates that a database having a large number of objects may have a larger deviation in the selection order specified (predetermined) for deactivating a device lock. Thus, an example predetermined parameter is a specified deviation in a selection order that is sufficient for deactivating a device lock. Specific examples of a sufficient and insufficient deviation are also provided in paragraph [0037]. Since the original disclosure in the Specification reasonably conveys to a skilled artisan that Applicant had possession of the claimed subject matter, *e.g.* use of a predetermined

parameter, the disclosure satisfies the written description requirement of § 112, first paragraph, and the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Applicant also maintains the traversal of the § 102(b) rejection based upon the teachings of U.S. Patent No. 6,209,104 to Jalili (hereinafter "Jalili") because Jalili does not teach or suggest each of the claimed limitations. For example, Jalili does not teach changing a lock state when a detected object selection order differs from a determined user-specific inter-object internal order. In contrast, Jalili requires that the displayed icons be selected in the exact order that matches the disguised password (*e.g.*, column 8, lines 41-53). Since Jalili is directed to masking the entrance of a defined password, Jalili requires that the exact password be entered and does not allow access if the entered information does not match. Thus, Jalili does not correspond to the limitations directed to changing a lock state when a detected selection order differs from the determined user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper.

In order to anticipate a claim the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Jalili does not teach every element of independent Claims 1 and 11 in the requisite detail and therefore fails to anticipate at least Claims 1-22. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-10 and 12-22 depend from independent Claims 1 and 11, respectively, and also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated

by Jalili. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 11. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-10 and 12-22 is improper and should not be maintained.

With particular respect to the rejection of Claims 7 and 18, Applicant further traverses because Jalili has not been shown to teach the claimed limitations. Specifically, none of the cited portions teach or suggest that a lock state would be entered when a predetermined number of incorrect selection orders are detected. Notably, there is no mention of the term "lock" in the Jalili reference. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claim 22, Applicant further traverses because Jalili has not been shown to teach the claimed limitations. Specifically, no portion of Jalili has been identified that teaches an arrangement for controlling a locking function in a door or gate. Notably, there is no mention of the terms "lock", "door", or "gate" in the Jalili reference. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 6 and 17, Applicant further traverses because Jalili has not been shown to teach the claimed limitations. Specifically, no portion of Jalili has been identified that teaches using learning algorithms or intelligent networks to change a determined user-specific inter-object internal order. In contrast, Jalili teaches the use of a known password or PIN. There is no discussion that such password or PIN would be changed using learning algorithms or intelligent networks. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

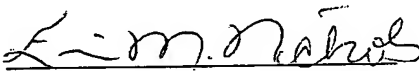
New Claims 23-25 have also been added. Support for these claims may be found in the instant Specification, for example, at paragraphs [0024] and [0025]; therefore, these claims do not introduce new matter. Each of these claims is believed to be patentable over the asserted reference for at least the reasons set forth above in connection with the independent claims.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.014.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: March 27, 2008

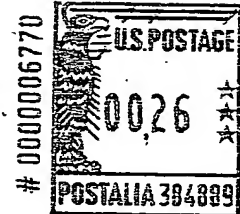
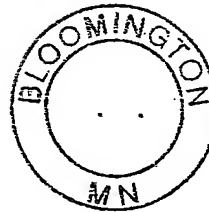
By: 

Erin M. Nichols
Reg. No. 57,125

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:
Applicant: TOKKONEN
Appl. Serial No. 10/673,526
Docket No.: NKO.014.US
Date of Deposit: March 27, 2008

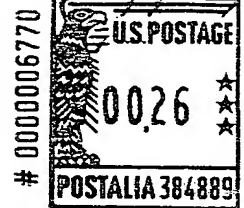
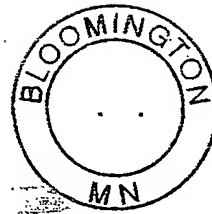
- ☒ RCE Transmittal sheet containing executed Certificate of Deposit under 37 CFR 1.8.
- ☒ Amendment and Response (10 pages).
- ☒ Petition for Extension of Time.
- ☒ Terminal Disclaimer.
- ☒ Authorization to charge Deposit Account 50-3581 \$810.00 and all required fees upon entry of this communication.

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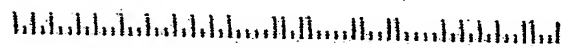


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EXHIBIT C



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EXHIBIT D

**United States
Patent and
Trademark Office****Deposit Account Statement**

Requested Statement Month: April 2008
Deposit Account Number: 503581
Name: HOLLINGSWORTH & FUNK LLC
Attention: TRACEY DOTTER
Street Address 1: 8009 34TH AVE SOUTH
Street Address 2: SUITE 125
City: MINNEAPOLIS
State: MN
Zip: 55425
Country: UNITED STATES

DATE SEQ	POSTING- REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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04/02 44	10673526	KOLS.051PA	1202	\$150.00	\$13,357.00
04/02 45	10673526	KOLS.051PA	1253	\$1,050.00	\$12,307.00
04/02 46	10673526	KOLS.051PA	1814	\$130.00	\$12,177.00

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